

The Employers' COVID-19 Emergency Regulations

being

Chapter S-15.1 Reg 13 (effective October 1, 2021) as amended
by Saskatchewan Regulations 106/2021.

NOTE:

This consolidation is not official. Amendments have been incorporated for convenience of reference and the original statutes and regulations should be consulted for all purposes of interpretation and application of the law. In order to preserve the integrity of the original statutes and regulations, errors that may have appeared are reproduced in this consolidation.

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CHAPTER S-15.1 REG 13
The Saskatchewan Employment Act

Title

1 These regulations may be cited as *The Employers' COVID-19 Emergency Regulations*.

Definitions and interpretation

2(1) In these regulations:

“Act” means *The Saskatchewan Employment Act*;

“COVID-19 test” means any of the following tests administered at a testing site approved by the Minister of Health:

- (a) a polymerase chain reaction (PCR) test for SARS-CoV-2;
- (b) a point-of-care antigen test for SARS-CoV-2;
- (c) any other test for SARS-CoV-2 approved by the Minister of Health;

“fully-vaccinated”, with respect to a worker, means that:

- (a) the worker has received the recommended number of doses of a COVID-19 vaccine, or combination of COVID-19 vaccines, approved by Health Canada; and
- (b) 14 or more days have passed since the worker received the last of the recommended number of doses;

“public employer” means, subject to subsection (2), any of the following:

- (a) the Government of Saskatchewan;
- (b) a Crown corporation within the meaning of *The Crown Corporations Act, 1993*;
- (c) any agency, board or commission of the Government of Saskatchewan;
- (d) the Provincial Auditor of Saskatchewan;
- (e) an Officer of the Legislative Assembly as defined in subsection 68(7) of *The Legislative Assembly Act, 2007*;
- (f) a constituency office of a member of the Legislative Assembly;

“SARS-CoV-2” means severe acute respiratory syndrome coronavirus 2, the virus that causes COVID-19.

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(2) For the purposes of the definition of “public employer” in subsection (1), public employer does not include the following:

- (a) the provincial health authority, an affiliate, a health care organization or the cancer agency as those terms are defined in *The Provincial Health Authority Act*, except eHealth Saskatchewan;
- (b) a board of education or the conseil scolaire as those terms are defined in *The Education Act, 1995*;
- (c) a regional college as defined in *The Regional Colleges Act*;
- (d) the Saskatchewan Polytechnic.

1 Oct 2021 cS-15.1 Reg 13 s2; 1 Oct 2021 SR
106/2021 s3.

Non-application of regulations

3 These regulations do not apply to a public employer.

1 Oct 2021 cS-15.1 Reg 13 s3.

Employers' duties re clause 3-8(a) of the Act

4(1) On and after October 1, 2021, an employer may, for the purposes of clause 3-8(a) of the Act, require all of its workers to comply with one of the following:

- (a) to:
 - (i) be fully-vaccinated; and
 - (ii) if requested by the employer, provide satisfactory evidence to the employer in relation to the worker's vaccinations;
- (b) to provide a valid negative COVID-19 test result to the employer at least every 7 days.

(1.1) If an employer requires its workers to comply with one of the requirements set out in subsection (1), the employer shall give each worker the option to comply with either clause (1)(a) or (b), but the worker must comply with at least one of those requirements within the period specified by the employer.

(2) For the purposes of clause (1)(b), a negative COVID-19 test result is valid for 7 days from the date of testing.

(3) A worker is not required to provide a negative COVID-19 test result to the employer if the worker is on vacation, an employment leave or a leave granted by the employer.

(4) If an employer requires its workers to comply with one of the requirements set out in subsection (1) in accordance with subsection (1.1), the employer shall:

- (a) provide notice of the requirements to every worker by:
 - (i) personally giving it to the worker;
 - (ii) posting it in the workplace;

- (iii) posting it online on a secure website to which the worker has access; or
- (iv) providing it in any other manner that informs the worker of the requirements;
- (b) establish a verification process for collecting and reviewing the evidence provided by the worker in relation to the worker's vaccinations or negative COVID-19 test results;
- (c) review the evidence provided by a worker in relation to the worker's vaccinations or negative COVID-19 test results in accordance with the verification process established pursuant to clause (b) to verify that the worker can be at the workplace; and
- (d) keep confidential the evidence provided by a worker pursuant to this section.

1 Oct 2021 cS-15.1 Reg 13 s4; 1 Oct 2021 SR
106/2021 s4.

Workers duties re clause 3-10(a) of the Act

5 For the purposes of clause 3-10(a) of the Act and unless otherwise agreed to by the employer:

- (a) any worker required to provide a negative COVID-19 test result pursuant to clause 4(1)(b) is responsible for taking the COVID-19 test during non-work hours; and
- (b) any costs associated with taking a COVID-19 test are to be paid by the worker.

1 Oct 2021 cS-15.1 Reg 13 s5.

Coming into force

6(1) Subject to subsection (2), these regulations come into force on October 1, 2021.

(2) If these regulations are filed with the Registrar of Regulations after October 1, 2021, these regulations come into force on the day on which they are filed with the Registrar of Regulations.

1 Oct 2021 cS-15.1 Reg 13 s6.

